

Rule 3355. Temporary Housing Termination Procedures as enacted on 9/30/1999, REPEAL

~~Temporary housing assistance shall be terminated with these Rules.~~

~~Rule 1. Grounds for Termination. Temporary housing assistance may be terminated for reasons including but not limited to:~~

- ~~A. Adequate housing is available to the occupant(s);~~
- ~~B. The temporary housing was obtained either through misrepresentation or fraud.~~
- ~~C. Any reason set forth in the applicable lease agreement.~~
- ~~D. Failure to comply with any term of the lease agreement.~~
- ~~E. Damage to the temporary housing units beyond normal wear and tear by members of the household or their guests.~~
- ~~F. Residents of temporary housing units will not allow FEMA, MEMA or their authorized agents to inspect the units at reasonable times after reasonable notice.~~
- ~~G. Residents of temporary housing units have engaged in or threatened abusive or violent behavior towards FEMA, MEMA or their authorized agents.~~

~~Rule 2. Termination Procedures:~~

- ~~A. Written notice will be given by MEMA to the occupant(s) either in person or by certified mail at least 30 days prior to the proposed termination of assistance. This notice shall specify:
 - ~~1. The reasons for termination.~~
 - ~~2. The date of termination, which shall be not less than 30 days after receipt of the notice.~~
 - ~~3. The administrative procedure available to the occupant if they wish to dispute the action.~~
 - ~~4. The occupant's liability after the termination date for additional charges.~~~~
- ~~B. If the occupant desires to dispute the termination, upon receipt of the written notice of termination, he/she must request an appeal in writing to MEMA in person or by certified mail within 10 business days from the date appearing on the termination notice. That written request must be timely made in the following manner:
 - ~~1. The appeal must be signed by the occupant and state the reasons why the assistance should not be terminated.~~
 - ~~2. If a hearing is desired, the appeal should so state.~~
 - ~~3. For purposes of requesting an appeal, the request must be delivered or mailed by certified mail as specified herein to MEMA at its state headquarters at 1410 Riverside Drive, Jackson, Mississippi 39202~~~~

~~Rule 3. Hearing Not Requested.~~

- ~~A. If a hearing has not been requested, the occupant has waived the right to a hearing.~~
- ~~B. The Director of MEMA's Administrative and Fiscal Division will review the documents submitted and provide the occupant a written response within 30 business days.~~
- ~~C. The timely filing of this appeal postpones the termination of temporary housing assistance until a decision has been reached on the appeal.~~

Rule 4. Hearing Requested.

- A. ~~If the occupant has requested a hearing, MEMA will schedule a hearing date within 30 business days from the receipt of the appeal as follows:~~
 - 1. ~~The hearing will be held at a time and place reasonably convenient to the occupant.~~
 - 2. ~~The occupant will be notified promptly in writing.~~
 - 3. ~~The notice of hearing will specify the procedure governing the hearing.~~
 - 4. ~~The timely filing of an appeal postpones the termination of temporary housing assistance until a decision has been reached on the appeal.~~
 - 5. ~~The hearing will be conducted by a Hearing Officer.~~
 - 6. ~~The Hearing Officer will be the Director of MEMA's Administrative and Division.~~
- B. ~~The occupant shall be afforded a fair hearing and provided the basic safeguards of due process, including:~~
 - 1. ~~Cross-examination of the responsible official(s).~~
 - 2. ~~Access to the documents on which MEMA is relying.~~
 - 3. ~~The right to legal counsel at the occupants own expense.~~
 - 4. ~~The right to present evidence.~~
 - 5. ~~The right to a written decision.~~
- C. ~~If an occupant fails to appear at a hearing, the Hearing Officer may make a determination that the occupant has waived the right to a hearing. For good cause shown, the Hearing Officer may postpone the hearing.~~
- D. ~~At the hearing, it is the responsibility of the occupant to establish by substantial evidence that continued assistance is appropriate. MEMA will have the burden of proof to show by substantial evidence that termination of assistance is appropriate.~~
- E. ~~The occupant will have the right to:~~
 - 1. ~~Present evidence and arguments in support of occupant's position.~~
 - 2. ~~Challenge and dispute any evidence relied on by MEMA.~~
 - 3. ~~Cross examine all witnesses on whose testimony or information MEMA relies.~~
- F. ~~Any evidence pertinent to the facts and issues raised may be received, in the discretion of the Hearing Officer, without regard to its admissibility under rules of evidence or procedure otherwise typically employed in formal judicial proceedings.~~
- G. ~~All witnesses must be sworn by an individual authorized by law to administer oaths prior to being allowed to testify.~~
- H. ~~A record of the proceedings shall be made either stenographically or by audio tape that can be transcribed.~~
- I. ~~All exhibits introduced at the hearing shall be properly marked for purposes of identification either prior to or at the time they are admitted into evidence.~~
- J. ~~A copy of the transcript of the proceedings shall be available to anyone submitting a written request to MEMA for a copy of that record along with advanced payment of the cost of that transcript.~~
- K. ~~Testimony shall not be transcribed unless a copy has been requested and paid for as set forth herein.~~
- L. ~~The record may be destroyed by MEMA in accordance with applicable law.~~
- M. ~~The decision of the Hearing Officer will be based solely upon the evidence appearing on the record at the hearing.~~

- ~~N. The Hearing Officer will apply applicable federal and state law, regulations and requirements to the facts of the case in the reaching of that decision.~~
- ~~O. The Hearing Officer will prepare a written decision setting forth Findings of Fact and Conclusions of Law together with the reasons therefor, concerning all material issues on appeal, as follows:~~
- ~~1. The decision will be rendered within 10 business days after the hearing.~~
 - ~~2. If the decision orders that the occupancy or assistance be terminated, it will include a notice to the occupant that he/she must vacate the premises within 3 days of the receipt of the written notice or on the termination date stated in the original notice of termination, whichever is later.~~
 - ~~3. If the decision orders that the occupancy or assistance be terminated, it shall likewise provide that if the occupant does not vacate the premises, that appropriate legal action may be taken. It shall likewise state that if suit is brought, the occupant may be required to pay all court costs and all attorney fees.~~
 - ~~4. A copy of the decision will be provided to the occupant by certified mail.~~

~~Rule 5. Legal Effect of Decision.~~

- ~~A. The decision of the Hearing Officer or the program official on an appeal is legally binding on both MEMA and the occupant from the date rendered.~~
- ~~B. MEMA will take all actions necessary to carry out the decision or refrain from any actions prohibited by the decision.~~
- ~~C. The occupant will take all actions necessary to carry out the decision or refrain from any actions prohibited by the decision.~~
- ~~D. The decision rendered is final.~~
- ~~E. There are no additional appeals to MEMA of the decision.~~

~~Rule 6. Title and Captions. The titles and captions appearing herein are of no legal consequence or effect and are provided merely for purposes of reference.~~